

## REMARKS

Initially, Applicants would like to thank the Examiner for the indication of allowability of claims 2-14 and 19-20. Applicants further would like to thank the Examiner for the indication of the allowability of claim 15 if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

Also, Applicants would like to thank the Examiner for conducting an interview on August 14, 2006, by telephone, with Applicants' representative Van Ernest of Greenblum & Bernstein, P.L.C as well as Takashi Saito of Greenblum & Bernstein, P.L.C. Although an agreement was not reached, the Examiner indicated that Applicants should submit their arguments in writing and the Examiner would reconsider the rejection.

In the outstanding Official Action, the Examiner rejected claims 1 and 18 under 35 U.S.C. § 102(e) as being anticipated by NAKAYAMA et al. (US Patent No. 6,108,497). The Examiner further rejected claims 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over NAKAYAMA et al. in view of KANEKO (US Patent No. 6,144,761).

Applicants respectfully traverse the Examiner's rejections. The Examiner asserts that NAKAYAMA et al. disclose at least three standard point members, that are fixed on a first bar and a second bar, and non-reflecting members that are respectively attachable to and removable from said at least three standard points. The Examiner further asserts that the projections 36, 38, and 40 (Figs. 8-9) in NAKAYAMA et al. correspond to the non-reflecting members that are

respectively attachable to and removable from the at least three standard point members, and the apexes 36A, 38A and 40A correspond to the at least three standard point members that are fixed on a first and a second bar. Applicants respectfully traverse the Examiner's interpretation.

In NAKAYAMA et al., the projections 36, 38, 40 are integrated with the apexes 36A, 38A and 40A, respectively. In other words, the apexes are merely the tips of the projections, not distinct members. Therefore, the projections 36, 38, and 40 are neither attachable to nor removable from the apexes 36A, 38A and 40A. Further, since these apexes are tip portions of the projections, the apexes 36A, 38A and 40A are not fixed on a first and a second bar. See Fig. 9 and col. 9, lines 61-64. Even if the triangular-plate 34 were considered as a first bar and the frame 32 were considered as a second bar, and the apexes 36A, 38A and 40A were considered as the three standard point members, the apexes 36A, 38A and 40A could not be fixed on the triangular-plate 34 or the frame 32.

In addition, NAKAYAMA et al. specifically state that "each of the projections 36, 38 and 40 also may be coated with a reflective paint, a fluorescent paint or the like, or the surfaces of each projection 36, 38 and 40 may be covered with a piece of reflective sheet and so on." See col. 10, lines 25-30. Therefore, directly contrary to the Examiner's position, the projections 36, 38 and 40 are actually reflecting members, not non-reflecting members, as recited in claim 1. Thus, NAKAYAMA et al. fail to disclose or even suggest non-reflecting members that are respectively attachable to and removable from said at least three standard point members.

In direct contrast, claim 1 in the present Application clearly states that “non-reflective members that are respectively attachable to and removable from said at least three standard point members” (Emphasis added). For instance, as disclosed in Figs. 7 and 9, a small circular portion 35 may be an example of one of at least three standard point members and a large circular portion 45 (or 74) may be an example of a non-reflective member.

In addition, the Examiner appeared to point out, in the telephone interview, that the language “the frame 32 and the plate 34 may be formed of another material such as a suitable resin, a suitable metal and so on” shown at col. 10, lines 15-19 in NAKAYAMA et al. taught or suggested non-reflective members. Applicants respectfully traverse this interpretation.

In this regard, Applicants note that the frame 32 or the plate 34 in NAKAYAMA et al. cannot be considered as non-reflective members. Claim 1 in the present Application clearly states that “non-reflective members that are respectively attachable to and removable from said at least three standard point members” (Emphasis added). Thus, even if the plate 34 or the frame 32 were covered by or made of non-reflective materials, neither could be a plurality of members. In addition, if the three bars of the frame 32 were considered as non-reflective members, there would be no first bar or second bar on which the three standard point members are fixed. Therefore, Applicants respectfully submit that NAKAYAMA et al. fail to teach or even suggest non-reflective members that are respectively attachable to and removable from at least said three standard points.

Absent a disclosure, in a single reference, of each and every element recited in a claim, a prima facie case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claim 1, this claim is not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102(e).

Further, Applicants respectfully submit that, since claims 16-18 depend from claim 1, these claims are also allowable. Also, with respect to claims 16-18, the Examiner relied on KANEKO only to teach a target for photogrammetric analytic measurement comprising at least one angle sensor and a transmitter. Therefore, KANEKO does not overcome the deficiencies of the primary reference.

Applicants note that in the Official Action, the Examiner set forth reasons for the indication of allowable subject matter with respect to claims 2-14 and 19-20.

In this regard, while Applicants do not disagree with the particular features highlighted in the Examiner's indication, Applicants further wish to point out that each of the claims in the present application defines a particular combination of features and that the patentability of every such claim is based on the particular combination of features recited therein. Accordingly, the reasons for indication of allowable subject matter should not be limited for those particular features highlighted by the Examiner.

More so, since the present Application is in condition for allowance, Applicants respectfully request that the Examiner allow the application to issue

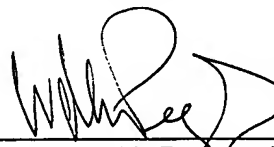
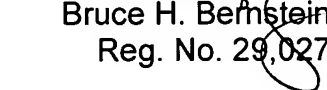
into a patent.

### SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that Examiner's rejection under 35 U.S.C. §102(e) in the Office Action dated June 19, 2006, should be withdrawn. The present Response is in proper form, and none of the references teach or suggest Applicants' claimed invention. Accordingly, Applicants respectfully request timely allowance of the present application.

Should there be any questions regarding this paper or the present application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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